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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,942	12/11/2003	Rita L. Faunce	211552-00050	7274
27160	7590	10/04/2004	EXAMINER	
PATENT ADMINSTRATOR KATTEN MUCHIN ZAVIS ROSENMAN 525 WEST MONROE STREET SUITE 1600 CHICAGO, IL 60661-3693			LUK, LAWRENCE W	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/732,942	<b>Applicant(s)</b> FAUNCE ET AL.	
	<b>Examiner</b> Lawrence W Luk	<b>Art Unit</b> 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/12/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (5,635,820) in combination with Schousek et al. (6,222,370).

As to claim 1, Park disclose in column 4, line 64 to column 5, line 4, the battery charge indicator comprising: a sensing circuit for sensing when the charging current to a battery is equal to a first predetermined value less than the value of the charging current when said battery is fully charged defining a near full state of charge and generating an indication signal, except for an indicator responsive to said indication signal for providing a indication when the state of charge of said battery is at a near full state of charge.

Schousek et al. disclose in figure 3, column 6, lines 48-51, an indicator responsive to said indication signal for providing a indication when the state of charge of said battery is at a near full state of charge.

It would have obvious to person having ordinary skill in the art at the time of the invention was made to modify the device of Park to include an indicator responsive to said indication signal for providing a indication when the state of charge of said battery

is at a near full state of charge as taught by Schousek et al. for indicating the charge level of the energy source.

As to claim 2, Park in view of Schousek et al. are applied supra, and Schousek et al. further disclose in figure 3, said indicator includes a first visual indication (unit D2).

As to claim 3, Park in view of Schousek et al. are applied supra, and Schousek et al. further disclose in figure 3, wherein said first visual indication is a first light emitting diode (LED).

As to claim 4, Park in view of Schousek et al. are applied supra, and Schousek et al. further disclose in figure 8, said sensing circuit is configured to sensing other charging states of said battery, other than said near full state of charge (in column 6, lines 58-59).

As to claim 5, Park in view of Schousek et al. are applied supra, and Schousek et al. further disclose in figure 8, said sensing circuit is configured to sense when the battery charging current is less than said first predetermined value and generating a second indication signal representing that said charging current is at a charge state other than said near fully charged state.

As to claim 6, Park in view of Schousek et al. are applied supra, and Schousek et al. further disclose in figure 3, further including a second visual indication.

As to claim 7, Park in view of Schousek et al. are applied supra, and Schousek et al. further disclose in column 6, lines 49-50, said second visual indicator indicating that the state of charge of said battery is at a state of charge near fully charge.

As to claim 8, Park in view of Schousek et al. are applied supra, and Schousek et al. further disclose in figure 3, wherein said second visual indication is a second LED.

As to claim 9, Park in view of Schousek et al. are applied supra, and Schousck et al. further disclose in figure 3, column 6, lines 44-59, wherein sensing circuit is configured to define first, second and third charging states and wherein said first LED is a red LED and said second LED is a green LED and in said first state, said red LED is illuminated and in said second state both said red and green LEDS are illuminated and in said third state, only said green LED is illuminated.

### **Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571)272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL

September 22, 2004

*Lawrence Hult*

*examiner*

*9/22/04*